

1
ORDINANCE NO. 96- 12

2
AN ORDINANCE OF THE BOARD OF COUNTY
3 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
4 AMENDING ORDINANCE NO. 83-23, AS AMENDED BY
5 ORDINANCE NO. 85-17 AND ORDINANCE NO. 87-34;
6 AMENDING SECTION 6. CONTRACTING FOR SERVICES;
7 REVISING THE METHOD FOR DETERMINING THE AMOUNT
8 TO BE PAID BY A LOCAL GOVERNMENTAL UNIT FOR
9 SERVICES; PROVIDING FOR REPEAL OF LAWS IN
10 CONFLICT; PROVIDING FOR SEVERABILITY;
11 PROVIDING FOR INCLUSION IN THE CODE OF LAWS
12 AND ORDINANCES; AND PROVIDING AN EFFECTIVE
13 DATE.

14 WHEREAS, Ordinance No. 83-23 created municipal service taxing
15 units (MSTUs) to provide fire protection, fire rescue, advance life
16 support (or similar services), and other services necessary and
17 incidental to the purposes for which the MSTUs were created; and

18 WHEREAS, Ordinance No. 83-23, as amended, provides that any
19 local governmental unit which contracts for the provision of
20 services from a MSTU shall be required to pay as consideration for
21 the services, an amount equal to that amount which would be derived
22 from a levy against the area receiving such services, if the area
23 was included within the MSTU; and

24 WHEREAS, the Board of County Commissioners has concluded that
25 this method of determining the compensation to be paid to a MSTU
26 for services may not accurately reflect the actual costs of the
27 services provided by the MSTU to the local governmental unit; and

28 WHEREAS, the Board of County Commissioners has determined that
29 it is in the best interests of the residents of each MSTU and the
30 citizens of Palm Beach County to enable a MSTU to provide services
31 on an actual costs or other appropriate basis to local governmental
32 units not included within a MSTU.

33 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
34 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

35 SECTION 1. Subparagraphs (a) and (b) of Section 6.,
36 Contracting for Services of Palm Beach County Ordinance No. 83-23,
37 as amended by Ordinance No. 85-17 and Ordinance No. 87-34, are
38 hereby amended to provide as follows:

39 Section 6. CONTRACTING FOR SERVICES:

40 (a) A Municipal Service Taxing Unit may enter into
41 an interlocal agreement with Aany municipality, special

district, or other unit of local government contracting for the provision of services. The costs of providing such services shall be specified in the interlocal agreement. by any said taxing unit shall be required to pay as consideration for such services an amount equal to that amount which would be levied by the taxing unit if the area of said municipality, special district, or other unit of local government served was included in the taxing unit. Adjustments shall be made to said consideration for annexation or deannexation in accordance with the standard set forth in this section. Pro rata adjustments shall be made in accordance with the proportion of the fiscal year for which the area deannexed or annexed is within or without the municipality served.

(b) Any Palm Beach County ordinance(s) pertaining to fire protection and/or advance life support/fire rescue, applicable to the Municipal Service Taxing Unit(s) shall be applicable to, and effective within the area of, any municipality, special district, or other unit of local government which contracts with or is included within any Municipal Service Taxing Unit for the provision of services by the taxing unit, unless otherwise provided by interlocal agreement.

SECTION 2. Repeal of Laws in Conflict: All local laws and ordinances in conflict with any provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. Severability: If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

SECTION 4. Inclusion in the Code of Laws and Ordinances: The provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this ordinance may be renumbered or relettered to

1 accomplish such, and the word "ordinance" may be changed to
2 "section", "article", or any other appropriate word.

3 **SECTION 5. Effective Date:** The provisions of this ordinance
4 shall become effective on May 1, 1996.

5 **APPROVED AND ADOPTED** by the Board of County Commissioners of
6 Palm Beach County, Florida, on the 16th day of April, 1996.

7 **ATTEST:**

8 Dorothy H. Wilken, Clerk

9 PALM BEACH COUNTY, FLORIDA, BY ITS
10 BOARD OF COUNTY COMMISSIONERS

11 By: _____
12 Deputy Clerk

13 By: _____
14 Chair



15 APPROVED AS TO FORM AND
16 LEGAL SUFFICIENCY

17 _____
18 County Attorney

19 **EFFECTIVE DATE:** Filed with the Department of State on the 23rd
20 day of April, 1996. This ordinance shall become effective
on May 1, 1996.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners, do hereby certify this to be a
true and correct copy of the ordinance filed in my office
on 4/16/96.
DATED at West Palm Beach, FL on 5/7/96.
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.